IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CIVIL WRIT PETITION NO.2378/02

Hari Singh **Versus** State & Ors.

DATE OF ORDER :: 16/04/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. S. Raghaw, for petitioner
Mr. J.K. Agrawal, Addl. G.A.

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Instant petition has been filed by petitioner assailing the notice Ann.3 dated 15th December, 2001 whereby he was called upon to remove the alleged encroachment referred to therein.

Counsel for petitioner submits that the same has been demolished by the respondents, but according to him, it was never the encroachment and constructions were made under the permissible limits provided under law.

Respondents, particularly, in Paras 6 & 7 of their reply have disputed the submission of counsel for petitioner and it has been submitted that it was unauthorized construction and was not permissible under law and the Sub-Divisional Officer personally made inspection and issued directions on 25th February, 2002 to demolish the encroachment and in compliance thereof, it was carried out.

Petitioner has disputed the fact of encroachment/unauthorized, if at all made by him and this was specified by him in reply to notice which he has submitted as Ann.5.

Since it has already been demolished by the respondents, the same cannot now be restored back to petitioner. However, he will be free to take action, if so advised, in accordance with law.

With the above observations, the writ petition stands disposed of.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.